

Meeting of 2000-4-11 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
APRIL 11, 2000 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:
Presiding Bill Baker, City Manager
 John Vincent, City Attorney
 Brenda Smith, City Clerk

The meeting was called to order at 6:25 p.m. with roll call. Notice of meeting and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL

PRESENT: G. Wayne Smith, Ward One
 James H. Hanna, Ward Two
 Glenn Devine, Ward Three
 John Purcell, Ward Four
 Robert Shanklin, Ward Five
 Charles Beller, Ward Six
 Stanley Haywood, Ward Seven
 Randy Warren, Ward Eight

ABSENT: None.

MAYOR'S STATE OF THE CITY ADDRESS

Mayor Powell presented the State of the City Address which is included herewith as a matter of record.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF MARCH 28, 2000.

MOVED by Smith, SECOND by Warren, for approval of the minutes. AYE: Shanklin, Beller, Haywood, Warren, Smith, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION:

Clarence Williams, 1506 SW 4th Street, spoke regarding a remodeling permit he had obtained and work he had done; address of this action was not provided. Haywood asked if there were any problems and Williams said if there were problems, he would take them to the judge. Haywood asked if Williams had received citations and Williams said he had received several and has taken them to the judge.

Robert Bressman, HC 30 Box 1295, Lawton, distributed a packet of information regarding the Robinson's Landing sewer lagoon. He said he was a resident of Robinson's Landing and other residents of that area stood to be recognized.

Bressman's comments are summarized as follows: When Council approved construction of the 6.5 million gallon lagoon at Robinson's Landing, the decision had a profound impact on him, his family and all of the families present tonight; it impacted their way of life and their quality of life. Property values will decline, air quality in the neighborhood will suffer; aesthetics of the neighborhood have already been changed. How many Council members have visited the lagoon site; could there be a show of hands? When we asked why our concerns were not addressed prior to the decision to construct the lagoon, we were told because the lagoon is permitted at less than 5,000 gallons per day, the regulations did not require that a public meeting be held. That was not the answer they expected or deserved.

Tab A of the information shows the engineering study of the Robinson's Landing sewer facility prepared by the City Public Works/Engineering Department; alternative two on page two, construction of an additional restroom, outside dump site at another location approximately 500 feet west of the present facility site exists that could use an additional restroom, outside dump site including a septic tank and lateral fields. This alternative would provide capacity for an additional 50 RV sites. Cost for this alternative is \$50,000. Alternative three is the other viable alternative that the engineering staff recommended, which is construction of the lift station, force main and lagoon system, at an estimated cost of \$170,000. The recommendation of the engineering department was: from the analysis it appears construction of alternative 2, construction of an additional restroom would be the most economical solution for the full development of the

concessionaire in that area.

Tab D, in a memorandum from the senior civil engineer Mike Johnson to, at that time, City Manager Gil Schumpert; Mr. Johnson says the existing facility, septic tank and lateral field, are found to be functioning satisfactorily at the present level of usage and recommended that alternative two would be the most economical to meet additional demands at the location. Cost for the improvement was \$50,000.

In correspondence from Dick Huck to Mike Johnson, Mr. Huck writes I would support the alternative two plan to build a separate restroom shower facility, however, I would recommend that the concessionaire build and maintain the facility at their expense because it would directly benefit the concessionaire operations and their ability to expand the campgrounds. Why did the Council chose to ignore all of these recommendations and opt for alternative three at a cost of three to four times as much?

There also seems to be confusion about how much the lagoon project will cost; the grant application from the Assistant Director of Operations to the Oklahoma Department of Wildlife Conservation in November 1999 states the estimated cost was revised to \$315,000; the amount requested from the Oklahoma Department of Wildlife Conservation was \$211,000 and in-kind funding by the City is revised to greater than \$70,500. The question we have is how many additional out of pocket dollars will the City have to contribute to complete the lagoon project. We know the grant request was \$211,000 but that still leaves an additional \$104,000. We are curious as to how much has been spent on the project to date.

It is obvious the City is interested in expanding the Robinson's Landing facility. Can you tell us how many additional camp sites the City plans to add in the Robinson's Landing area and where they will be located? Has the City discussed expanding the number of camp sites at Robinson's Landing to 135, as Mr. Johnson refers to in the memo at Tab L of your information? It states we have looked at the number of RV sites that could ultimately be served by the proposed sewer lift station lagoon at Robinson's Landing and determined that approximately 135 RV camp sites could be served by the lagoon, including the restroom facility. The question is, where will you put them? Will camp sites be placed in Canyon Creek Park?

When the County Commissioners revoked the City's lagoon setback permit, they warned Lake Lawtonka is overcrowded now and is an accident waiting to happen; does that have any impact on your resolve to add at least 40 more camp sites at the Robinson's Landing area. Tab N includes information that at least 60% of the campers are also fishermen and boaters, so if you increase the number of camp sites by 40 you are also potentially increasing the number of boats on Lake Lawtonka by 24; if you increase the number of camp sites by 100 there are potentially 60 more boats on crowded Lake Lawtonka.

Bressman asked that the potential of the lagoons be reconsidered; not the potential of adding 100 camp sites at Robinson's Landing, but the potential of raw sewage leaking into Canyon Creek if the sewer line breaks or is washed out. Consider the potential impact of nitrates seeping into Lake Lawtonka next year or 20 years from now. The lagoon barely meets the required setback from Lake Lawtonka; it does not meet the setback requirements from adjacent property. He asked that the quality of life of those present be considered in deciding whether to proceed with the lagoon project.

Bressman asked that Council members ponder this question when they get to their homes and families tonight: If funding becomes available to cover all incurred costs to date, would you consider halting the lagoon project in favor of alternative two as proposed by the engineering department? (concludes Bressman's remarks)

The Mayor and Council discussed the issue and staff will prepare a response to the questions posed by Mr. Bressman. Regarding the question of required setbacks and the County revoking the permit, the City Manager stated that the City received correspondence from DEQ this week basically stating the City's permit is valid, all requirements were met when it was issued and DEQ has told us we can proceed with the construction.

ADDENDUM BUSINESS ITEMS:

1. Receive briefing on water cost study from staff and take appropriate action. Exhibits: Water Cost Study; Legal Opinions 99-07 and 99-11.

Shanklin said he was sorry this was not on the Water Authority but he did not come with it quick enough. He said the City Manager gave out letters saying he would request authority to get an RFP for a rate consultant and he did not think that was proper at this time. Shanklin said he wanted to read two things from Legal "the city is not allowed to charge a rate which discriminates between the municipality's customers and outside purchasers and if the purchaser's rate is higher it may only include the cost of providing the water" and that is in the State Statute. He said from the Water Authority it says "it will require each and every user of the facilities of the trust estate to pay the rates, fees and charges in accordance with uniform rates". Shanklin said we are not doing it right and we know we are not, and we are allowing ourselves to be exposed to a class action suit by giving our water away.

MOVED by Shanklin, SECOND by Haywood, to table this until Monday night, April 17 at 6:15 p.m., at the Lawton Water Trust Authority. AYE: Beller, Haywood, Warren, Smith, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

2. Consider approving a grant of CDBG Funds to Lawton Outreach Center Steering Committee to be used to pursue a federal grant from the United States Department of Justice for a "Weed and Seed" initiative in the City of Lawton. Exhibits: None. (Grant document on file with City Clerk's Office)

Frank Pondrom, Housing & Community Development Director, said Lawton was designated as a Weed and Seed site and

Ms. Paige from the Lawton Outreach Center requested that additional funds be provided to apply for funds from the federal government.

Haywood said when this program started it was to be in Lawton View and Sheridan Additions. He asked what happened to the Lawton View program.

Pat Paige said Weed and Seed requires you have a safe haven where people can come to obtain services; when the application was made, they did not have a safe haven designated in the Lawton View area and it is very important to the grant to have a safe haven location. She said they are still working with Lawton View and had included funds in their budget for neighborhood watch and other services for that area, and it could be included in the next application if a safe haven site could be found. Haywood said both Lawton View and Sheridan were involved in the grant process during meetings held in Oklahoma City so in between, something must have happened. Paige said nothing had changed; their OR still includes both but the safe haven at this time is on the north side; we will phase in the south side as we find a location there but the OR includes both and we have not forgotten that area.

Haywood said he, the City Manager and CPT DeBoard went to Houston and without them doing that, Lawton may not have been designated as a site. Paige expressed appreciation for support and explained the steering committee make-up and said she had not forgotten the steering committee. She said a few other steps are required for them to receive funding. Haywood said he did not mean to take credit for anything but the certificate says that Lawton is a designated site and we know the primary area here when it comes to grants and crime.

Purcell asked if this \$9,750, in addition to the \$6,840 granted previously, would exceed the 20% cap on administration in the entire \$1.2 million CDBG grant funding for this activity and the department itself. Pondrom said it will be close but it is toward the end of the year and it should not exceed 20%.

Haywood asked if this money is granted tonight if they will be applying for a grant in the amount of \$125,000. Taylor Stein said it will be a total of \$175,000; another action pending tonight is approval of a contract for the Lawton Police Department to receive \$50,000, then another \$125,000 would go to Weed and Seed. Stein said they should be able to get the \$125,000 for the safe haven, and possibly another \$125,000 for a second safe haven in subsequent years which would be located in Lawton View. He said additional funds may be available for special emphasis areas so this is a substantial opportunity; we have not forgotten Lawton View and part of the strategy is to get the north side, which has been a little more neglected as far as services and a sense of community and we had an opportunity to have a location there. Stein said they are working with Pastor Moore and there are sites they are looking at in Lawton View. He said funds may not be received until July or August and things need to be done in the interim and we may have investments in safe haven sites on the north side and on the south side and this funding would be available for that.

MOVED by Smith, SECOND by Haywood, to approve the request for funding and authorize the Mayor and City Clerk to execute the necessary documentation to provide the requested grant of CDBG funds. AYE: Haywood, Warren, Smith, Hanna, Devine, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

3. Consider approving a contract with Gene Hollar, Architect, for the design of Greer Park Restroom Building Project #2000-20. Exhibits: Location Map.

MOVED by Shanklin, SECOND by Smith, to approve the contract with Gene Hollar, Architect, for the design of the Greer Park Restroom Building Project #2000-20 in the amount of \$2,844.30. AYE: Warren, Smith, Hanna, Devine, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

4. Consider authorizing Enercon Services, Inc. to perform a Phase I Environmental Site Assessment for the abandoned Wastewater Treatment Plant Site. Exhibits: Letter Agreement dated April 3, 2000, from Enercon Services, Inc.; Letter dated March 22, 2000, from Enercon Services, Inc. estimating future costs; Memo dated February 23, 2000, from City Manager to Mayor and Council.

Jerry Ihler, Public Works/Engineering Director, said in a meeting with the Oklahoma School Land Office it was brought to our attention that the City had leased the property at the old, abandoned Wastewater Treatment Plant site located just east of I-44 and west of East Cache Creek. This site was abandoned in 1977-78. One of the requirements of the lease was that the City restore the plant site back to its original condition as best as possible. In February 2000 Council awarded a contract with regard to the Brownfields application grant to hire Enercon Services, Inc. Staff recommendation is to further that contract and enter into a written letter agreement to pursue the Phase I site environmental assessment. Cost is \$2,230 and recommended funding source is Council Contingency.

Mayor Powell said this site is a mess and it needs to be done. Shanklin agreed and asked what would have to be done and the potential cost. Ihler said the first phase would be an assessment, the second phase would be some monitoring wells, then plans and specifications to restore the site by either removing the concrete structures or pushing them in and covering them up and restore the site as much as possible to its original state. Ihler said we have requested ballpark figures on what that might cost to get us to the point where we go out for construction and budget numbers were provided along the lines of \$25,000 to \$30,000 to get us to that point. Phase 2 assessment and plans and specifications preparation and possibly the actual restoration of the site will be eligible for some of the Brownfields grant funding and that is what we are trying to put together.

MOVED by Smith, SECOND by Shanklin, to authorize the Mayor and City Clerk to execute a letter of agreement with Enercon Services, Inc. in the amount of \$2,230 to perform the Phase I Environmental Site Assessment for the abandoned wastewater treatment plant site.

Purcell suggested funding come from the Public Works' budget instead of Council Contingency. This was discussed and Smith amended the motion to state that funding would come from the Public Works budget; Devine seconded the amended motion.

Beller said this is for a visual inspection of the property; he asked how they would visually find underground storage tanks or contaminated soil or hazardous material. Beller said the concern is not the \$2,200 being spent now but possible later costs depending on what is found and mandates to remedy it. Ihler said Phase II will be a more in depth study and greater costs will be involved other than the \$2,230, however, as the process goes through DEQ to close a site out, you must begin with the environmental assessment and report. Beller asked if there was a mandate on when it has to be closed out. Ihler said he was not aware of one. Baker said we have to do this and should have done it in 1977 or 1978.

VOTE ON MOTION AS AMENDED: AYE: Smith, Hanna, Devine, Purcell, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

1. Receive a presentation from the Emergency Management Director and take appropriate action. Exhibits: None.

Richard Atkins, Emergency Management Director, presented information on plans for this year's storm season as far as sounding and authorization for sounding of the sirens, shelters that will be used, and the public education campaign. The Emergency Operation Plan previously called for sounding of the sirens to be at the direction of the Emergency Management Director or his subordinate or representative, and if that individual happened to be out of town, it would fall to the Mayor, City Manager, Assistant City Manager, Police Chief or Fire Chief. The Plan was amended this year to state that the primary person to contact will be the Emergency Management Director, however, any one of the following persons have the authorization to issue the directive to blow the sirens, those being the City Manager, Mayor, Assistant City Manager, Information Services Officer, Police Chief or Fire Chief. Criteria for sounding the sirens in the past was there had to be a tornado indicated by radar or visually sighted heading in the direction of Lawton. At the direction of the Mayor and Council last year at the end of June that was amended to include winds in excess of 70 mph. Atkins suggested that provision be re-examined. Mayor Powell said the people spoke very soundly and we were criticized last time for not sounding the sirens; the citizens want the warning.

Atkins said the School Board designated the basement of Shoemaker Center for use as a shelter and LPS will provide the security and people to open it. KCA set aside the cafeteria at the Indian School in the basement for use as a shelter; Tucker inspected the facility and they are in the process of installing a generator and portable lighting for our use and they have also made available the people to open and man it. The Galilee Baptist Church has been made available at 1st and Jones Avenue and three people are listed to contact.

Atkins distributed folders containing public information fliers; the information is available on CD and he and Jackson plan to put it on the City web page. He said they had worked with Mr. Wallace at Channel 7 on the Fifth Season shows to get the information out, and they plan to contact the radio and newspaper to get the information out. Public speaking engagements with civic clubs and neighborhood watches are on-going, and the thing being stressed is for people to stay in place, shelter in home, and use the public shelters for those who may be in mobile homes or apartment complexes. Atkins said if we try to get people out on the road they are in more danger than trying to shelter in place.

Andy Wallace, Channel 7 Meteorologist, said they did not mind giving any information as far as wind speed, potential for winds, potential for tornadoes, but they are on the air consistently and trying to provide updates. He said he wanted to warn against not sounding the sirens because you cannot get in touch with Channel 7 because their first concern is to keep their presence on television, keep people home and keep people informed. Wallace stressed the importance of sounding the sirens for a mezacyclone or an area of strong rotation moving toward Lawton. He said tornado warnings 15 years ago were "touch down plus three" where the tornado touches down and three minutes later the tornado warning came out; it was too late. It is now "touch down minus twenty" meaning we have a twenty minute lead time on a tornado warning.

Wallace said Mr. Atkins has communication with him, and the police dispatch and city officials can get in touch with them also. He said Atkins has communication directly with the National Weather Service Office in Norman. Wallace said severe wind speed is considered to be 58 mph and there has been discussion of moving it up to 65 because of how common 58 mph wind reports are becoming. He said there is not more wind but there is much more knowledge of it through technology and storm chasers. Wallace said this year would tell us whether 70 mph winds would be frequent or not, and his recommendation may be to move it to 80 or 90 mph, although that may be high, but 70 may be too frequent, and recommended waiting for a year to evaluate.

Wallace said he had received questions as to when the sirens should be sounded and gave examples of possible situations. He said there is a need for flexibility in this regard and his office was more than willing to give their best forecast; Channel 7 has three meteorologists, all of which went to the University of Oklahoma and two of which graduated first and second in the class. Wallace said they would extend their hand in the public information campaign and that they had been very active in the Fifth Season shows in trying to tell the public what to do in case of a tornado. He said the public should stay where they are when the sirens go off; if you are outside, you should get inside, but if you are at home, you should not leave to go

to a shelter unless you are in absolutely unsafe home. Wallace said people should not remain in mobile homes or cars, but if they are at home, they are putting their lives in danger by getting out on the road. Wallace said people in cars may panic when they see tornados, people should not be in cars during tornados, and there is also danger in getting under bridges. People should get into the closest available building or ditch or shelter, but that should be considered with the siren policy.

Hanna asked if the recommendation was to sound the sirens if the wind speed gets up to 90 mph and if so, what would that do to those living in mobile homes. Wallace said if you live in a mobile home in Tornado Alley, you need to be prepared for 50 mph winds because those can damage mobile homes. Wallace said they try to provide as much notice as possible but if you live in Tornado Alley and you live in a mobile home, you need to understand there is an inherent danger of being in there and that a tornado warning is almost too late. Those residents should be thinking about what to do when the forecast for severe weather comes out that day; if it looks dark in the distance and it starts moving in, that is the time to think about it.

Hanna said he agreed with the comments but the question remains if those people would receive adequate notice if we wait until winds are at 80 or 90 mph before sounding the sirens, whether they live in a mobile home or not. Wallace said he could remember three weather events with winds greater than 80 mph but that he could not name the number of times there was 60, 70 or 75 mph winds. Mayor Powell said in 1985 or 1986 the wind snapped every high line pole on Lee Boulevard from the 4800 block to about the 6700 block, or even further, and Lee was completely closed down, so we could not suggest waiting until the winds were 80 mph because we saw what it did that night.

Purcell asked if other locations were also designated as shelters, such as the basement of Birch Hall. Atkins said Eisenhower Junior High and MacArthur Senior High are designated shelters; Birch Hall's basement at Cameron was converted into offices so it could not be used. The School Board has provided for security personnel and custodians to open and take care of the school facilities. The Fire Department will be used in the event that some of the facilities are not available.

During discussion it was pointed out that the list of persons allowed to direct that the sirens be sounded were not in a particular order and that anyone on the list could give that direction.

Warren asked Mr. Wallace if he had read the committee's report; response was no and a copy will be provided for him. Warren said the committee came up with a change of philosophy that we are not necessarily sounding the sirens to warn people to take shelter; it would be a warning that you need to look outside, turn on the television or radio and make up your mind what you need to do in your particular situation because the City does not have the ability to make decisions for individuals, but wants to warn people to allow them to make those decisions in their own best interest. Haywood asked if the radius recommended by the committee was 20 miles and Warren said yes.

Smith thanked Atkins for the presentation and said he had much more confidence in the preparations this year than he had last year after the storm.

2 Receive a presentation by Parks & Recreation on the present needs of organized soccer in this community and the plans of the Parks & Recreation Department to assist in filling those needs. Exhibits: None.

Gary Salva, Parks & Recreation Director, provided a power point presentation concerning existing soccer fields, level of participation, and sponsoring organizations, and how the participation and expenses of soccer compare with other sports. Soccer was shown to be a very popular sport, and gaining in participation, with no City support being provided at this time. A copy of the presentation is on file in the City Clerk's Office. The proposal was to establish four soccer fields in McMahon Park east of the softball complex and creek. This area cannot have structures built on it, nor have the land contour changed due to it being in a flood area; however, it could accommodate soccer fields. Costs of this project can be done within existing staff and budget; volunteer organizations may donate seed and fertilizer to start the turf renovation; a gravel entry will be needed now. Future costs could include a water line and gravel parking area. Long range plans need evaluation as to whether there is a need for a six-field lighted soccer complex, which could serve youth and adults and possibly host regional tournaments. A 16 field complex is needed now as the arrangement at Fort Sill is not sufficient.

Hanna stated maintenance of soccer fields is expensive and time consuming and he asked if the current staffing level was sufficient to take care of the fields. Salva said they felt they could do this with existing staff. Hanna asked about ball fields needed to replace fields being lost north of Shoemaker Center; response is fields will be constructed in East Side Park in 2002 and the fields at 17th and G are being lighted to help facilitate the programs.

There was no opposition to the proposal and the need to adequately water the fields was pointed out.

3. Consider receiving a presentation from the Engineering Division regarding the Geographical Information System (GIS). Exhibits: None.

Ihler said the sketch used in the Parks & Recreation presentation showing the location of the ball fields was done through GIS. Mike Johnson, Assistant Director of Engineering, said the GIS system lets you use maps, drawings and related data on a computer. He said we are in the early stages of development of GIS and the first components were received as part of the Sewer System Evaluation Survey, which was done by a consultant and furnished to the City in 1997, and Engineering has been adding to the system since that time.

Derald Paulk, City Surveyor and GIS Manager, gave a power point presentation showing the data available through this system, such as aerial photographs of the entire city and the ability to overlay the entire CIP program over that photograph. Water and sewer data is available and information can be shown in smaller areas, such as neighborhoods or houses. He explained how the monumentation program allows the GIS system to be operational. Maps were shown illustrating the various features that are available to provide necessary information regarding various infrastructure and building features.

Warren said this technology can be made available over the Internet to assist in economic and industrial development to allow a prospect to look at property, see what infrastructure is available, and see who owns it and possibly if it is for sale. He said it is good information and it is the future.

4. Consider authorizing the City Attorney to begin discussions with the former owner and dedicator of Greer Park regarding the restrictions on the property. Exhibits: None.

Devine said the City Attorney needed authorization to attempt to have the deed cleared up. Vincent said there are deed restrictions and he would like to contact the former owner and dedicator with regard to removing those deed restrictions.

MOVED by Devine, SECOND by Purcell, to approve the item as recommended. AYE: Hanna, Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

5. Consider a resolution approving the incurrence of indebtedness by the Lawton Water Authority issuing its bond anticipation note, Series 2000 and approving the proposal of the Authority to incur said indebtedness; waiving competitive bidding, authorizing certain fees and approving the proceedings of the Authority pertaining to the sale of said note; and containing other provisions related thereto. Exhibits: Resolution No. 00-39.

MOVED by Smith, SECOND by Devine, to approve Resolution No. 00-39. AYE: Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Hanna. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 00-39

A resolution approving the incurrence of indebtedness by the Lawton Water Authority (The "Authority") issuing its Bond Anticipation Note, Series 2000 (The "Note") and approving the proposal of the Authority to incur said indebtedness; waiving competitive bidding, authorizing certain fees and approving the proceedings of the Authority pertaining to the sale of said note; and containing other provisions relating thereto.

6. Consider awarding a construction contract to Ideal Construction, Inc. for the Landfill Cells 2-3 Project #2000-8. Exhibits: Location Map; Bid Tabulation.

Mayor Powell said this firm had not done any projects in Lawton but that he found through the City Manager that Ihler had checked into their background thoroughly and he was satisfied.

Ihler said nine bids were received and staff recommendation was to award to Ideal Construction, Inc. in the amount of \$2,273,400.

MOVED by Shanklin, SECOND by Haywood, to award to Ideal Construction, Inc. in the amount of \$2,273,400. AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Hanna, Devine. NAY: None. MOTION CARRIED.

7. Consider awarding a contract for professional engineering services for the Landfill Expansion Project #2000-18. Exhibits: None. (Contract on file in City Clerk's Office)

Ihler said a project approved in the 2000 CIP was to prepare for the landfill after cells two and three are completely filled. The Engineering Selection Committee has reviewed proposals and recommended award to Burns and McDonnell for the engineering design for the future landfill site to the south of the existing landfill. This will include a master plan as well as design and plans and specifications for that initial phase.

MOVED by Shanklin, SECOND by Beller, to award the contract to Burns and McDonnell in the amount of \$360,300.

Purcell suggested the motion include that one of the reasons the contract was being awarded to this firm was based on past performance and their knowledge of the project involving special considerations. He said it is not the low bidder and these items should be shown on the record as to the reasons for not selecting the low bidder. Purcell said there are additional costs that may be charged by the other firms and we do not have any idea if those are correct, so the other two firms could actually be a higher cost than Burns and McDonnell. Shanklin said it should also be stated that we are not required to take the low bidder for professional services.

VOTE ON MOTION: AYE: Shanklin, Beller, Haywood, Warren, Smith, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

8. Consider awarding a contract for professional engineering services for the NW 38th Street Reconstruction Project #2000-16. Exhibits: None. (Contract on file in City Clerk's Office)

Ihler said a 2000 CIP project was reconstruction of NW 38th Street from Cache Road to Rogers Lane. This item awards an engineering contract for the design services; 19 RFPs were sent out and five proposals were submitted. The Engineer Selection Committee reviewed the proposals and recommends award to Robert B. Hendrick & Sons based on their history and past performance on City projects, their familiarity with staff and their proposal recognizes and identifies some problems that we could encounter as part of the design of the project. Recommendation was to award to Hendrick in the amount of \$137,500.

Beller said Hendrick submitted a turn-key job in their proposal and the others did not include the cost for certain items.

MOVED by Beller, SECOND by Devine, to approve the contract for professional services engineering for NW 38th Street Reconstruction Project 2000-16 to Robert B. Hendrick firm in the amount of \$137,500. AYE: Beller, Haywood, Warren, Smith, Hanna, Devine, Purcell. NAY: None. ABSTAIN: Shanklin. MOTION CARRIED.

9. Consider awarding a contract for professional architectural services for the Fire Station #5 Relocation Project #2000-17. Exhibits: None. (Contract on file in City Clerk's Office)

Ihler said a 2000 CIP project was the relocation of Fire Station #5; nine RFP's were sent to architects for design of the project and seven responses were received. The Engineer Selection Committee reviewed the submissions and recommended award to GBA Architects in the amount of \$41,905, based on their proposal and their fee happens to be the lowest in this particular instance.

MOVED by Smith, SECOND by Hanna, to award to GBA Architects in the amount of \$41,905, based on their proposal and their fee happens to be the lowest. AYE: Haywood, Warren, Smith, Hanna, Devine, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

10. Consider approving Amendment #1 to the Agreement dated April 15, 1999 with CH2M Hill, Inc. for the Water Treatment System Analysis Project. Exhibits: Amendment #1; Design Fee Curve.

Ihler said a 2000 CIP project was the Medicine Park Water Treatment Plant Expansion. In February 1999 Council awarded a contract to CH2M Hill, Inc. for design services. At that time all engineering firms submitted fees based on what was known at that time and it was not known whether all of the expansion would be at Medicine Park or if some would be at Medicine Park and some at a new plant in the southeast part of Lawton. The study for this phase has been completed and there will be a 40 million gallon per day expansion at the Medicine Park plant. The engineer has agreed to lower his fee for the design services by \$195,000 and recommendation is to approve the amendment to reduce the fee curve based on having better information and knowing what needs to be accomplished at this time.

MOVED by Smith, SECOND by Haywood, to approve the amendment. AYE: Warren, Smith, Hanna, Devine, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

11. Consider adopting an ordinance amending Lawton City Code, Chapter 10, Section 10-402 eliminating the need for transfer of property to Director of Finance and sale by Finance Director, deleting the section transferring any amount to Crimestoppers by resolution and declaring an emergency. Exhibits: Ordinance No. 00-15.

Vincent said the current ordinance does not allow for the type of property sale that is needed, and the ordinance is not found to comply with the current situation in the State Statutes. He said an amendment to the Crimestoppers contract is being considered by Crimestoppers, and when the amendment is processed, the Council Policy will no longer be needed and can be repealed.

Purcell asked why this was recommended to be an emergency. Vincent said at the time it was being prepared we thought Crimestoppers had approved the agreement but they were not able to hold a meeting to get the sale going, and the emergency clause can be removed if desired. Shanklin said it does not cost anything to leave the emergency section in place.

Baker said if Council approves this, we will include funds in the Police budget and an off-setting amount in revenue so it will be a wash but it will facilitate this being done properly.

MOVED by Smith, SECOND by Haywood, to approve Ordinance No. 00-15, waive reading of the ordinance read the title only and declare an emergency.

Warren asked if there was a reason to strike "of the United States" in paragraph a, after "legal tender". Vincent said there may be legal tender from Canada or Mexico.

(Title read by Clerk) Ordinance No. 00-15

An ordinance relating to finance and taxation, amending Section 10-402, Chapter 10, eliminating the need for transfer of property to Director of Finance and sale by Finance Director; deleting the section transferring any amount to Crimestoppers by resolution and declaring an emergency.

VOTE ON MOTION: AYE: Smith, Hanna, Devine, Purcell, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

12. Consider approving the Intergovernmental Agreement for Public Safety Services between the City of Lawton and Fort Sill. Exhibits: Proposed Agreement.

Bill Adamson, Police Chief, said he had met with Mr. Beauchamp to discuss the school system starting a new program beginning with the next school year. He said it is the Botvin program, which is a drug awareness program that also teaches elements of self-esteem to the students at grade levels six, seven and eight. The current DARE objective is directed at the sixth grade level and both programs cannot be run in the same grade. The school system researched the Botvin program and plans to implement it so the decision was made that the DARE program should be discontinued.

Purcell asked if there would still be the same number of police officers or MP's assigned to the new program as there were with the DARE program. Adamson said no, this program is teacher-based rather than being taught by police officers. Adamson said one officer is currently assigned as the DARE coordinator, as well as teaching some of the classes, and three MP's assist this officer. Those people will no longer be assigned to the DARE effort at all, and DARE will be replaced with the Botvin program.

Warren asked if this will lessen the presence of the Police Department in the schools. Adamson said yes, as far as DARE is concerned, and Botvin has been implemented at some schools already so DARE is not being taught at those few schools. Warren asked if there was a program to put the officers in touch with the younger children. Adamson said yes, we are involved in the Risk Watch program at four schools, working with the Fire Department and MP's to teach safety and awareness. The plan is to expand that program as manpower allows. Adamson said he and Beauchamp discussed an "adopt a school" type program meaning that an officer working a particular zone with an elementary school in it would stop by the school for an hour or so a week, eat lunch with the children, associate with the children in that way, and that would be a positive program to implement in the future.

Hanna asked if teachers would be up to date on what is going on to be able to teach the Botvin program, such as what drugs are being used, to be able to tell the children what not to do. He asked if the Police Department would provide training for the teachers in this regard. Haywood said Botvin has been implemented in all the elementary schools and the sixth grade teachers and school counselors are doing it, and it will be integrated into the curriculum next year, hopefully. Haywood said they may have to contact the Police Department to get information about drugs.

MOVED by Purcell, SECOND by Smith, to approve the agreement. AYE: Hanna, Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

ITEM 13 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

14. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for claims which are over \$400.00: Sammie and Mary Powell; and Chet and Karen Tucker. Exhibits: Legal Opinion/Recommendation. (Resolution No. 00-40 on file in City Clerk's Office) Action: Approval of claims. Tucker: \$116.32.

(Title only) Resolution No. 00-40

A resolution authorizing and directing the City Attorney to assist Sammie and Mary Powell in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of Five Hundred Fifty-Two and 39/100 Dollars (\$552.39).

15. Consider requests for the installation of traffic control devices at the specified locations. Exhibits: Excerpt from 3/16/00 Draft Traffic Commission Minutes. Action: Deny requests for traffic control at 12th and Kingsbury and at Sheridan Road and Ferris.

16. Consider a resolution authorizing the installation of traffic control devices at the specified locations. Exhibits: Resolution No. 00-41; Excerpt from 3/16/00 Draft Traffic Commission Minutes.

(Title only) Resolution No. 00-41

A resolution authorizing the installation and/or removal of traffic control devices at certain designated locations within the City of Lawton, Oklahoma. Location: Install signage, pavement markings and signals to change the right lane of north and south bound Sheridan Road to right turn only at Cache Road; Install a broken white line, delineating an additional turn lane existing the north Wal-Mart Drive at NW Sheridan Road.

17. Consider the "Agency Plan" of the Housing Authority of the City of Lawton and consider authorizing the Mayor to sign a letter stating that the Agency Plan is consistent with the Consolidated Plan of the City of Lawton. Exhibits: Agency Plan and proposed letter (On file in City Clerk's Office). Action: Authorize the Mayor to sign a letter stating that the Agency Plan is consistent with the City of Lawton's Consolidated Plan.

18. Consider approving a "Cost Reimbursement Agreement" between the City of Lawton Police Department and the Federal Bureau of Investigation for the purpose of supplying overtime officers and equipment for enforcement action associated with the "Weed & Seed" initiative. Exhibits: Reimbursement Agreement and disclaimer. ***This item was removed from consideration.

19. Consider a revocable permit for the installation of groundwater monitoring wells on the NW 44th Street right-of-way adjacent to 4401 NW Cache Road, submitted by Summit Environmental Services, on behalf of Michael Mayhall. Exhibits: Letter of Request; Revocable Permit. Action: Approval of Revocable Permit for installation of groundwater monitoring wells adjacent to 4401 NW Cache Road.

20. Consider a revocable permit for the installation of groundwater monitoring wells on the Lee Boulevard right-of-way across from 1508 SW Lee Boulevard, submitted by NESCO, Inc., on behalf of Bill Malone. Exhibits: Letter of Request with Location Map; Letter from ODOT; Revocable Permit. Action: Approval of Revocable Permit for installation of groundwater monitoring wells in the Lee Boulevard right-of-way across from 1508 SW Lee Boulevard.

21. Consider approving Releases of Mortgage on residential properties belonging to Mary L. Dunning A/K/A Mary L. Winham, and Carolyn Mathews, both of Lawton, Oklahoma, and authorize execution of the Releases or Mortgage. Exhibits: None. (Mortgages and Releases on file in City Clerk's Office) Action: Approval of item.

22. Consider approving plans and specifications for the 2000 CIP Waterline Replacement Project #2000-13 and authorizing staff to advertise for bids. Exhibits: Location Map. Action: Approval of item.

23. Consider accepting the Lake Ellsworth Pump Station Motor Control Replacement Project 99-9 as constructed by Southwest Electric and placing the Maintenance Bond into effect. Exhibits: None. Action: Approval of item.

24. Consider authorizing staff to submit an application to the Department of Civil Emergency Management for "Project Impact". Exhibits: Letter; Project Impact Questionnaire. Action: Approval of item.

25. Consider ratifying the action of the Lawton Water Authority in awarding the Robinson's Landing Store Lease to Mike Mahoney. Exhibits: Bid synopsis and recommendation. Action: Approval of item.

26. Consider approving the following contract extensions: A) Claims Administration Service with Managed Health Resources, Inc. (Group Health and Dental Plan Administration Services) and United Safety & Claims, Inc. (Worker's Compensation Administration Services); B) Pre-Sort Mailing Services with Southwest Mailing Service; C) Plexar Telephone Service with Southwestern Bell; D) Long Distance Telephone Service Inside 405 & 580 Area with Ionex Telecommunications, Inc.; E) Long Distance Telephone Service Outside 405 & 580 Area with Ionex Telecommunications, Inc. Exhibits: None. Action: Approval of item.

27. Consider awarding contract for Playground Equipment. Exhibits: Recommendation; Bid Abstract. Action: Award contract to Miracle Equipment Company, Sand Springs, OK.

28. Consider approval of payroll for the period of April 3 through 16, 2000. Exhibits: None.

Mayor Powell asked that Item 18 be removed and that Item 13 be considered separately.

MOVED by Smith, SECOND by Warren, to approve the Consent Agenda items as recommended with the exception of Items 13 and 18. AYE: Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Hanna. NAY: None. MOTION CARRIED.

13. Consider the following damage claims recommended for denial: Earl and Susie Andrews; Herman and Karen Lynette Kesner; Beverly Jane Schau; Southwestern Bell Telephone Company; and Tom and Agnes Thomas. Exhibits: Legal Opinions/Recommendations.

Mayor Powell asked for a motion to deal with the claims in this item other than Kesner and Schau.

MOVED by Smith, SECOND by Haywood, to deny the claims of Andrews, Southwestern Bell Telephone and Thomas. AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Hanna, Devine. NAY: None. MOTION CARRIED.

Lynette Kesner said she came home from work and could not get in the front door because it smelled so bad; she had to air the house out before she could go in. She said the sewer had backed up while she was at work so obviously it was not her sewer she was putting down the line that came up into her house. Kesner said the City Attorney recommended denial but it was the City's line that stopped up because City crews came out and unstopped it and signed a paper saying it was the City's line, and the next day the City inspector came out to look at the damage to the carpet. She said she could not have her three year old daughter or four year old granddaughter on the carpet so they were out of their home for a week. Kesner said she was asking for replacement of the carpet and two nights in a motel because she stayed with family the other five nights she was out of her home.

Shanklin asked how much money is being claimed. Kesner said \$2,820 and the carpet was fairly new. Shanklin asked if staff agreed that amount was correct. Vincent said they did not analyze the amount of money because there had been no backups within the ten years, and if Council wanted to table it, they could evaluate the amount of the loss.

MOVED by Shanklin, that we do pay this but we check to see whether we should owe \$2,820.

Beller asked if there was insurance coverage. Kesner said no, she called the company and they did not cover it. Kesner said she cleaned up the mess herself instead of building up more money value so she thought the City would replace the carpet.

Purcell said we just got through denying one before this for \$275 under the same set of circumstances and we have denied dozens before. He said he needed to know from now on, even though it is the first instance and the City Attorney says we are not liable, that we are going to approve all of these, and if that is the case, that is fine but it should not be piecemeal where one is approved and another is not and it is not fair to everyone; we should treat everyone equally. Purcell said if we are going to set a policy, we can agree tonight that we are going to pay them all if it is the first time, or not pay them, and we just denied one not less than five minutes ago for the same, exact problem.

Beller said one of the reasons shown for denial was that it had not been stopped up in a five year period. He asked if there is a time frame involved because it says if we had prior notice and we obviously did on the \$275 claim. Beller asked why one was recommended for denial when there was notice of a prior stoppage in that area. Vincent said we just picked a rule of thumb; there is no magic date. Vincent said one of the things we are going to have to discuss in the near future is with the new SSES program and the replacement of the lines, some of the old lines we are replacing would have had prior problems but we are putting in brand new line so there would be no history there.

Beller said on the Andrews claim it shows that City crews responded to two prior backups in the fall of 1992 which were cleared by rodding the main, so it appears to have been the City's responsibility then and we had the same thing occur here and we say it is not our responsibility. Vincent said it is our judgment call based on, if the backup has been a certain period of time ago and there have not been any problems then we are no longer on notice; we use kind of a three to five year window, if it is less than three years it is automatic notice and if it is between three and five years, depending on how many times we have had problems with it, older than five years it is that we are not on notice because there has not been a problem in a long time; it is just a judgment call that is made and it is certainly up to the Council to decide whatever they want to if there has been a prior problem; we just have no record on Ms. Kesner's line of any problem at all.

SECOND by Haywood to Shanklin's motion.

Devine said as many claims as we are having, to create a solution and stop it in the future, we could make a City requirement to put in a backwater valve in all sewer lines which stops any water from backing up the sewer line. Mayor Powell said a lady had one installed but it malfunctioned and she still received damage. Baker said we looked at the feasibility of requiring backflow valves in sewer lines when we have paid a damage claim, and the reason it was not pursued was that the valves failed to function properly after a while because things get hung up and they will not close properly. Baker said it has been looked at twice over the last ten to twelve years and it was decided not to pursue it. Devine said there are different quality valves and if you purchase an inexpensive one, there may be a malfunction, but they make brass valves that are heavy enough to close properly and usually prevent backups.

Smith said we just voted to deny the Andrews claim; he asked the City Attorney if that claim can be brought back and approved. Vincent said yes.

Purcell asked if it is Council policy that when we have these kind of claims come up that we will vote to pay them every single time. Shanklin said we have a history of doing that when people come down here and appear before us, very few have we turned down. Purcell said that is the problem, is it if you come down here and say something we will approve it, but if you do not show up, we are going to disapprove it; is that the new guidance.

Mayor Powell said when he reads that the City crew responded to a call for service and discovered the main obstructed with grease and cleared it by rodding, then that is our problem. He said he knew of the Holdenville case in 1966 and we see it every time and it was likely upheld at that time, but that is the same thing as a City truck going down the road and hitting a car and saying we are not liable because this is the first time. Mayor Powell said it does not make sense at all so any time anyone comes to him with a claim like this, he will ask them to present their case to the Council and hopefully Council will bless it.

Purcell said he was concerned about those who do not call in or come to the meeting but let it go through the system, and if we are going to approve them, we should approve them all. Shanklin said there may be some mitigating circumstances where that individual did not think he really had a claim. Shanklin said many times Council does not have the right information as to problems with the lines. Purcell said he had no problem approving it but had a problem being inconsistent; is the rule if you come down and protest the denial that we will grant it, but if you do not come down, we are going to uphold the denial. Shanklin said he did not know that we could do that tonight, but staff could write a policy and look over the invoices.

Smith said he had a problem denying sewer backups regardless of whether it had been 20 years or yesterday, if our sewer backs into their house, we are liable. Beller asked why a motion could not be made that if it is a sewer problem related to a backup from the main, the City is responsible, and kick out this Holdenville 1966 case. Devine said the crew responded and rodded the main so we are admitting guilt right there that it was our fault and that our main was stopped up, and he could not see denying a claim under those circumstances.

Baker asked if Council would authorize a resolution along with this claim because it was apparent it would be over \$400. Shanklin said it will have to come back to Council. Vincent said he had authority up to \$400, and on this type of deal the motion should, where we are going to go ahead and give the City Attorney authority up to \$2,820, which means that by policy we must take it to District Court as a friendly suit, we will need a resolution and a warrant of attorney and we will

have to prepare those documents. Vincent said it was his understanding of the motion that if you approve it, he would prepare those documents and pay it. Shanklin said no, his motion was to check what she is claiming and if it was all new carpet and its value. Mayor Powell said it was to determine the amount and bring it back. Vincent said he would do so.

VOTE ON MOTION: AYE: Shanklin, Beller, Haywood, Warren, Smith, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

Mayor Powell asked that action be taken on the Schau claim. Shanklin said this situation is just like the last one that was discussed.

MOVED by Shanklin, SECOND by Smith, that staff determine the validity, and he was not doubting it but we have always been able to adjust it down and make everybody happy, and then bring it back to us for Schau. AYE: Beller, Haywood, Warren, Smith, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

MOVED by Beller, SECOND by Devine, to reconsider the \$275 claim submitted by Earl and Susie Andrews through Mayhue-McKee Realty. AYE: Haywood, Warren, Smith, Hanna, Devine, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

MOVED by Purcell, SECOND by Smith, to approve the Andrews claim in the amount of \$275.60. AYE: Warren, Smith, Hanna, Devine, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

The City Manager stated Item 18 was pulled because the FBI has not had the opportunity to look at it.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Shanklin asked when can we expect the sign at Elmer Thomas Park and what will we do about it washing out. He said he would not be in town and someone would have to take his place in the Cornish case. Devine volunteered to do that.

Shanklin asked for a list of projects and when they were done and how we have spent the money received through the \$1 on the water bills for drainage maintenance.

Haywood said Habitat for Humanity has completed three houses, and First Baptist, Central Baptist and Bethlehem Church are in partnership with Habitat for Humanity building two houses in Ward Five which are done.

Mayor Powell said we all have a challenge on Trash Off Day on Saturday.

BUSINESS ITEMS:

29. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending investigation of the landfill, and if necessary, take appropriate action in open session. Exhibits: None.

30. Pursuant to Section 307C9, Title 25, Oklahoma Statutes, consider convening in executive session to discuss an economic development prospect to be located within the City of Lawton, and if necessary, take appropriate action in open session. Exhibits: None.

31. Pursuant to Section 307B2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2000-2001 between the Police Union, IUPA, Local 24, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

32. Pursuant to Section 307B2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2000-2001 between the Fire Union, IAFF, Local 1882, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

33. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the case styled C. Steve Wilson v. The City of Lawton, a municipal corporation, and Gilbert Schumpert, Case No. CIV-99-2104, in the United States District Court, Western District of Oklahoma, and if necessary, take appropriate action in open session. Exhibits: None.

34. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the case styled Richard Crudup v. Darrell Southerland, et al., Case No. CIV-99-1428-R, filed in the United States District Court for the Western District of Oklahoma, and if necessary, take appropriate action in open session. Exhibits: None.

35. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the case styled Darvan S. Patrick v. City of Lawton, et al., Case No. CIV-99-917-C, filed in the United States District Court for the Western District of Oklahoma, and if necessary, take appropriate action in open session. Exhibits: None.

36. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending damage claim of Rebecca Thompson against the City of Lawton, and if necessary, take appropriate action in open session.

session. Exhibits: None.

37. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the possibility of filing a case against Walter Young on a CDBG rehabilitation loan, and if necessary, take appropriate action in open session. Exhibits: None.

MOVED by Warren, SECOND by Smith, to convene in executive session to consider the items so listed on the agenda and recommended by the legal staff. AYE: Smith, Hanna, Devine, Purcell, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 9:10 p.m. and reconvened in regular, open session at 10:40 p.m. with roll call reflecting all members present except Beller.

Vincent said on Item 29, the Mayor and Council convened in executive session to discuss the pending investigation of the landfill, at which time a short briefing was received, and no action is required at this time. Vincent reported on Items 30 through 33 stating executive session was held as shown on the agenda; he read portions of the agenda titles and stated no action is required. Vincent reported that Items 34, 35 and 36 were stricken.

Vincent reported executive session was held regarding Item 37 to discuss the potential of filing a case against Walter Young on a CDBG Rehabilitation Loan. He requested a motion to authorize the City Attorney's Office to file a foreclosure action.

MOVED by Devine, SECOND by Smith, to authorize the City Attorney's Office to file a foreclosure action against Walter Young on the CDBG Rehabilitation Loan. AYE: Devine, Purcell, Shanklin, Haywood, Warren, Smith, Hanna. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned upon motion, second and roll call vote at 10:45 p.m.

STATE OF THE CITY - 1999

My Fellow Citizens and Councilmembers:

As your Mayor, it is my pleasure to present the "State of the City" address at this time. Section C-2-2 of the City Charter requires that the Mayor shall annually provide such an address.

Please allow me to first express my thanks to the Lord, who has given me the opportunity to serve as your Mayor. I would also like to thank my wife and family, who are always a source of strength and support. In addition, I must certainly recognize the efforts of the City Council, City Manager, City staff and employees, who deserve credit for the progress made by the City in the past year.

1999 was a year of great accomplishment for the City of Lawton. In 1999, a phrase was developed for the City's successful five (5) year Capital Improvements Program "A Community of Unity." This phrase is symbolic of the teamwork that is required by all segments of the community to address the needs of our community. I believe that this theme of "A Community of Unity" is the bridge that will carry Lawton into the new millennium, with faith, hope and enthusiasm.

Let's pause and reflect on the accomplishments of the past year and consider our goals for the future:

2000 Capital Improvements Program (CIP) Election.

Possibly the most significant accomplishment of the year was the overwhelming passage of the \$71.4 million 2000 Capital Improvements Program (CIP). The passage of this CIP is a historic effort in community cooperation, including not only the City of Lawton and the Lawton Public Schools, but all segments of the Lawton-Fort Sill Community joining together to address critical needs. The voters agreed that all of the 4 ballot items in the CIP are essential to the growth and prosperity of the Lawton-Fort Sill community. This CIP program consists of an estimated \$45.5 million of projects funded by sales tax and \$25.9 million of projects funded by ad valorem (property tax).

To briefly summarize, the 2000 CIP includes:

PROPOSITION NO. 1 (SALES TAX)

Medicine Park Water Treatment Plant Project (cost \$13,000,000 together with \$17,000,000 to be provided by ad valorem tax backed bonds - see proposition No. 2)

Water Pump Station #1 Expansion (cost \$500,000)

Water Distribution Replacement/Expansion (cost \$4,300,000 together with \$3,000,000 to be provided by ad valorem tax backed bonds proposed in proposition No. 2)

(Greer Addition) 34th Street/Drainage Project (cost \$3,500,000)

Landfill (cost \$5,000,000)

Eastside Park and improvements to other City parks (cost \$1,500,000)

Flower Mound Road Matching Funds (Cost \$2,800,000)

Gore Boulevard Matching Funds (cost \$1,500,000)

Construction of a new Central Junior High School and other LPS District No. 8 improvements (cost \$12,200,000)

Economic Development (cost \$1,200,000)

PROPOSITION NO. 2 (WATER SYSTEM IMPROVEMENTS)

Medicine Park Water Treatment Plant Project (cost \$17,000,000 together with the \$13,000,000 funded by sales tax above in proposition No.1)

Southeast Water Treatment Plant (land, easements, design - cost \$3,000,000)

Water Distribution Replacement/Expansion (cost \$3,000,000 together with \$4,300,000 funded by sales tax in proposition No. 1)

PROPOSITION NO. 3 (STREET IMPROVEMENTS)

NW 38th Street Matching Funds (cost \$1,600,000)

PROPOSITION NO. 4 (FIRE STATION IMPROVEMENTS)

Relocation of Fire Station No. 5 (cost \$1,300,000)

Without a broad-based community-wide support, passage of all of these propositions would not have been possible. As the headlines of the Lawton Constitution on November 10, 1999:

"All four proposals pass by landslide margins"

The vote was as follows:

Proposition 1:

Yes	6,392	63.5%
No	3,669	36.5%

Proposition 2:

Yes	6,800	67.6%
No	3,257	32.4%

Proposition 3:

Yes	6,432	64.6%
No	3,524	35.4%

Proposition 4

Yes	6,470	64.9%
No	3,498	35.1%

I would like to also point out that many capital improvement construction projects were initiated or completed during 1999. Some of the long-awaited projects that were underway during the year include 67th Street, 82nd Street, and the B-1 drainage detention reservoir.

Reduction in the Crime Rate.

One of the fundamental purposes of local government is to protect, and preserve the public health, safety and welfare. The safety of our citizens is vitally important to elected officials.

I am very pleased to report to you that for the third straight year, Class 1 Crimes have decreased. Class 1 Crimes were down by a total of 807 or 14.4% in 1999 than in the previous year. Further, I am extremely proud of the fact that Class 1 Crimes were down by a total of 2552 or 34.7% in 1999 as compared to 1996. I would like to recognize the efforts of Police Chief Bill Adamson and all of the hard-working officers and employees of the Lawton Police Department for making the Lawton-Fort Sill Community a safer place to live and work.

Sewer Rehabilitation Program.

The City is faced with a \$62 million mandate from the federal government for the rehabilitation of the sewer collection system. In March of 1999, the City began construction of Phase 1 of this Sewer Rehabilitation Program, which is expected to last seven (7) years. These improvements are funded by a \$2.35 fee on the utility bills. Two (2) additional seven (7) year phases are planned to follow.

The City evaluated the cost of contracting out these improvements as compared to performing the work in-house. After careful examination of these alternatives, the City chose to perform the improvements in-house at a saving of \$2 million for each phase, or a total of \$6 million for the entire project.

Further, I am very happy to report to you after one year of operation of the program, savings are greater than anticipated.

In addition to the \$2 million of savings projected for performing these services in-house, the City has realized the following savings over projections:

Engineering Costs:

Original proposal \$790,489.00

Actual \$602,209.00

Savings \$188,280.00

Construction Costs:

Original proposal \$ 6,300,597.00

Actual 5,133,589.00

Savings \$ 1,167,008.00

Equipment Costs:

Original proposal \$ 1,927,400.00

Actual 1,863,909.00

Savings \$ 63,491.00

TOTAL SAVINGS OVER ORIGINAL PROJECTIONS \$ 1,418,779

Cooperation with Fort Sill.

The City continues to enjoy an outstanding working relationship with Fort Sill. Many people have commented that the relationship between the City and Ft. Sill should serve as a model for other cities and military installations in the country. Some examples are as follows:

We are proud to have Lt. Col. Jeff Ewing serve as an ex-officio member of the City Council. This allows Col. Ewing an opportunity to have first-hand knowledge of the activities of the governing body, as well as reporting significant matters from Ft. Sill to the City Council. Additionally, the Assistant City Manager of the City serves as liaison to Fort Sill.

Fort Sill and the City have a consolidated E-911 and communications center.

Fort Sill is actually within the Lawton City Limits and is, therefore, literally part of our community.

The new Lawton/Fort Sill Recycling Program is providing recycling collection sites at three (3) locations within the City of Lawton. One of these recycling modules was provided by Fort Sill, which also collects the recyclables on a regular basis.

Fort Sill continues to work closely with the City and County on emergency management matters.

The Lawton-Fort Sill Co-op is stronger than ever. The co-op partners "team up" on projects to benefit the community as well as compete, and get to know one another in the "sports weekends" twice a year in spring and fall.

In 1999, former Post Commander MG Baxter authorized the new incoming Garrison Commander Robert Cline to serve an internship with the LCCI and, later, the Mayor and City Managers Office of the City of Lawton. This allowed the new Garrison Commander a unique introduction into the community and enhanced the working relationship between the entities.

Implementation of the Amber Alert.

The "Amber Plan" or "Amber Alert" originated in the Dallas/Fort Worth Metroplex as a cooperative effort between the 27 radio stations in Dallas/Fort Worth and local law enforcement agencies to help save missing, abducted or kidnapped children. The Plan calls for law enforcement agencies to provide radio stations with an alert upon the immediate confirmation of a child abduction/kidnapping. All participating radio stations will break programming to broadcast the alert and any subsequent information provided by the police.

The name "amber" became associated with the plan when in Dallas/Fort Worth when a concerned citizen suggested the name following the abduction and murder of 9 year old Amber Hagerman.

On May 26, 1999, on behalf of the City, I conducted a news conference to announce the implementation of the "Amber"

plan. The decision for the City of Lawton to implement this plan was made in order to be proactive in the event of abduction or kidnapping of a child.

Economic Development

The Lawton-Fort Sill Community continues to be very competitive in the area attracting new industry as well as efforts to retain and expand existing industry.

Of course, two major stories of the year were the completion of the new Republic Paperboard Plant in Lawton and the announcement of the Crusader Weapons System facility in Elgin.

According to the Lawton Fort Sill Chamber of Commerce and Industry, 2118 new or expanded jobs have been added to the area economy in the last 3 years:

I want to express my appreciation to the Lawton Fort Sill Chamber of Commerce and Industry, the Great Plains Technology Center, and Cameron University as well as utility companies such as PSO and Southwestern Bell for their efforts in advancing economic development of our community.

In addition to our economic efforts, we should also recognize the impact on our local economy that the numerous events and conventions have added during the year.

Environmental Concerns.

Recycling.

The Mayor's Task Force on Recycling and Composting was appointed to study the feasibility of recycling and composting. This committee studied all of the alternatives and recommended that the City enter into a "joint and cooperative community recycling" agreement with Fort Sill. In July of 1999, the City and Fort Sill entered into an agreement that provided for three (3) community recycling collection modules would be located in the City. Fort Sill agreed to provide one of those modules and the City the other two. Fort Sill is providing collection service at no charge in exchange for the proceeds from the sale of recyclables. We have been very encouraged by the acceptable and participation of the community in this program.

Brownfields

The City has applied to the US Environmental Protection Agency (EPA) for a brownfield grant in the amount of \$250,000. The EPA defines brownfields as "abandoned, idled, or under-used industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination." The City has recently conducted a brownfields survey for the United States Conference of Mayors. This survey identified certain areas in the City as brownfields. The EPA has developed a grant program referred to as the Brownfields Assessment Demonstration Pilot, which is part of the Brownfields Economic Redevelopment Initiative. Brownfields assessment pilot grants are (funded up to \$200,000 over two years) for environmental response activities preliminary to cleanup, such as site assessment, site identification, site characterization, and site response or cleanup planning and design for sites contaminated with hazardous substances. An additional \$50,000 may be awarded to assess the contamination of a brownfield site(s) that is or will be used for greenspace purposes.

The latest word that we have received on this grant application is that the EPA may be announcing successful grant recipients by the later part of this month (April 2000).

The Year 2000 (Y2K).

Although everyone knows that the Y2K calamity predictions were obviously blown well out of proportion, the staff of the City's Information Services Department, under the leadership of Doug Wells, was able to make all of the Y2K conversion "in-house" without relying on expensive outside consultants.

Quality of Life

Lawton is very fortunate to have the many organizations that assist in enhancing our quality of life. A partial list of these include:

The McMahon Foundation
The Museum of the Great Plains
The Percussive Arts Society Museum
Lawton Community Theatre
Lawton Philharmonic Orchestra
Lawton Ft. Sill Art Council
Cameron University
Lawton Parks and Recreation Department
Lawton Arts and Humanities Council
Arts for All Festival Committee

Oklahoma Arts Council
International Festival Committee

Now I would like to share with you some of my concerns and goals for the future:

Customer Service.

I believe that in many respects the City has made significant strides at being a more responsive and "user friendly" organization. However, as I have stated many times before, the City Manager and I will continue to place a high priority on treatment of citizens as "customers" and expect professional, efficient, and courteous treatment for all citizens. In local government, we are the level of government that is closest to the people. In the daily performance of our duties, we must expect that city personnel truly exemplify what it means to be a "public servants."

Building development.

In the past I have expressed my concern that the City's building development regulations are perceived by the development community (local contractors, developers, and builders) as being an obstacle to growth and economic development. I am pleased that progress has been in streamlining the building development process. I would like to recognize the efforts of our City Manager, staff and the Mayor's Building and Development Task Force for their efforts in reviewing policies, procedures, and codes related to building and development. I strongly encourage these efforts to continue, and I know that the City Manager is committed to removing any unnecessary impediments to the growth and development of our community.

Crime.

I am extremely proud of the fact the crime rate has been reduced by 34.7% from 1996 to 1999. I intend to stress that we continue to address crime and the safety of our community as priority matters for this administration.

Sewer Rehabilitation Program to serve as a model.

I believe that the example for cost savings and efficiency set by the City's Sewer Construction and Sewer System Technical Divisions in the Sewer Rehabilitation Program should set a "model" or "standard" for other city projects and programs to follow.

Economic Development.

Several organizations are doing a good job at economic development in the community, and should be recognized for their efforts. The time has come that these organizations come together under one umbrella and develop a definite plan for economic development. I am issuing a challenge for the organizations to consolidate their efforts and present a consolidated economic development plan within the next six (6) months.

Mass Transit.

The issue of mass transit has been bantered about for many years. The need for public transportation has been identified as one of the greatest need of the community. The time has come that the voters should decide this issue once and for all.

Explore ways to maximize City resources.

I would like to explore and investigate ways to save taxpayer funds and maximize City resources. Some examples of this could be:

- create a central motorpool of city equipment
- implement an energy conservation program

Explore Funding from Washington.

U.S. Senator Jim Inhofe has committed that the City will receive \$5 million for our sewer rehabilitation program in the federal authorization bill this year. Recently, regarding the appropriation of these funds, Senator Inhofe told the Lawton Constitution that:

"Now it will go to the appropriators, and I already have a commitment that (the money) is going to be there. We will have it."

We need to continue and intensify this effort in Washington. To this end, the City has retained the services of a legislative consultant, Mr. John Reskovac. Mr. Reskovac grew up in Lawton and we expect his assistance will be very helpful to the City.

Intergovernmental or inter-agency cooperation.

As a "community of unity" we should continue to explore issues that we can work cooperatively with other entities on, such as Comanche County with the City-County Jail and Joint 911 dispatch.

Environmental

As I have stated before, I would like to see a cleaner, more environmentally conscious city. I am proud of the steps that have been taken on community recycling, and hope that this lays the groundwork for an expanded program in the future.

I am concerned about the amount of litter in our community. I encourage all citizens to take pride in our community, and ask for your help in cleaning up our city. To this end, I am proud to announce that the Lawton-Fort Sill community will participate in the Oklahoma Department of Transportation's 12th Annual statewide TRASH-OFF on Saturday, April 15, 2000 from 8:30 until 11:30 a.m.

The purpose of the Trash-Off is to create competition among the communities to encourage volunteerism, as well as pride among citizens in creating a cleaner city and state.

The Lawton Fort Sill Co-op Executive Committee has designated the Trash-Off as a Co-op project to benefit the community and encourages all Co-op partners, including Ft. Sill, City, Chamber of Commerce members, civic groups, neighborhood organizations, churches, Adopt-a-Street groups, businesses, etc. to participate in the Trash-Off.

I would also like to recognize the efforts of the Lawton Environmental Concerns Committee, which will again this year celebrate Earth Day. In recognition of Earth Day, the Committee will once again sponsor household recycling collection on April 15.

Additionally, the City will be conducting a 2 week Spring Clean-up Campaign 2000, April 17 - 28, 2000.

Although I am very proud of these activities, the challenge that I issue to each and every citizen of this community is to strive to make recycling and litter abatement an everyday activity, rather than a seasonal or occasional event.

Contract with Lawton Firefighters.

One of my disappointments of the year was that the City was unable to reach a contract agreement with the Lawton Firefighters. Thus, the matter had to be decided by a vote of the people. It is my sincere hope that this year the collective bargaining between labor and management will result in an amicable agreement between the parties.

Youth at Risk

Much has been said about the need to reverse the trend of adverse behavior of a large segment of youth in our community. I have established a Task Force, which involves the schools, parents, community leaders, and clergy to address this critical matter. I look forward to updating you with developments at a later time.

Continue to promote our lakes and Wichita Wildlife Refuge.

We must be able to promote tourism and maximize the potential of our lakes and Wildlife Refuge, while at the same time preserving the safety of our water supply.

1999 was certainly a year of much excitement and accomplishment in Lawton. I have enjoyed the opportunity of working with a fine City Council, City Manager, and employees as well as a group of citizens that I am proud to serve. I would also like to recognize the efforts of an outstanding group of volunteers that are appointed to serve on the various boards, commissions, committees and task forces for the City.

Now, as we conclude the final year of this century, we are faced with many challenges as we embark on a new millennium. As your Mayor, I am proud to tell you that the State of our City is excellent. I will also tell you that we can do better. My philosophy for the future of the City can be conveyed in five (5) words: "why not be the best?"

Thank you for giving me the opportunity to serve as your Mayor. I consider it an honor and privilege to serve you. Good night and God bless each of you.

Cecil E. Powell, Mayor